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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

14                   VERONICA MCLEOD, individually and as  
15                   successor in interest to decedent, DOLORES  
16                   HERNANDEZ; AMADO HERNANDEZ,  
17                   individually and as successor in interest to  
                  decedent, DOLORES HERNANDEZ; and  
                  YSIDRA REGALDO, individually.

Case No. 2:22-cv-00585-WBS-JDP

*Honorable William B. Shubb*

## **PLAINTIFFS' OBJECTION TO FINAL PRETRIAL ORDER**

### **Plaintiffs.**

VS.

CITY OF REDDING; GARRETT  
MAXWELL, an individual; MATTHEW  
BRUCE, an individual; and DOES 2-10,  
inclusive.

### Defendants.

1 **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF**  
 2 **RECORD:**

3 Plaintiffs Veronica McLeod, individually and as successor in interest to decedent, Dolores  
 4 Hernandez; and Amado Hernandez, individually and as successor in interest to decedent, Dolores  
 5 Hernandez, (“Plaintiffs”), by and through their counsel of record hereby submit the following  
 6 Objection and Suggested Modification to the Final Pretrial Order pursuant to Rule 16 of the  
 7 Federal Rules of Civil Procedure, Local Rule 283, and the July 2, 2024 Final Pretrial Order of this  
 8 Court (Dkt. No. 44).

9 Plaintiffs object to footnote 1 of the Final Pretrial Order (Dkt. No. 44 at 2), wherein the  
 10 Court noted that Officers Matthew Bruce and Garret Maxwell “are the only remaining defendants  
 11 because plaintiffs have abandoned their municipal liability claims.” Plaintiffs contend that the City  
 12 of Redding (“Defendant City”) remains a defendant in this action because Plaintiffs still maintain  
 13 claims of battery, negligence, and violation of California Civil Code Section 52.1 against  
 14 Defendant City because Defendant City is vicariously liable for the wrongful acts of Defendants  
 15 Bruce and Maxwell. (*See* Dkt. No. 13, First Amended Complaint ¶¶ 103, 111, 122; Dkt. No. 41,  
 16 Plaintiffs’ Pretrial Statement at 6:3-4, 6:20-21, 7:8-9). Plaintiffs’ operative complaint asserted  
 17 their state law claims against all defendants, including Defendant City and asserted that Defendant  
 18 City was vicariously liable for the wrongful acts of Defendants Maxwell and Bruce because  
 19 Maxwell and Bruce was acting within the course and scope of their employment with Defendant  
 20 City at the time of the incident. Accordingly, the City of Redding remains a defendant in this  
 21 action through vicarious liability under Plaintiffs’ state law claims. *See Mary M. v. City of Los*  
 22 *Angeles*, 54 Cal. 3d 202, 215-16 (1991) (recognizing that since the enactment of the California  
 23 Tort Claims Act, “a governmental entity can be held vicariously liable when a police officer acting  
 24 in the course and scope of employment uses excessive force or engages in assaultive conduct,” in  
 25 part because “vicarious liability is an appropriate method to ensure the victims of police  
 26 misconduct are compensated.”).

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1 Respectfully submitted,

2 DATED: July 9, 2024

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**LAW OFFICES OF DALE K. GALIPO**  
**LAW OFFICE OF STEWART KATZ**

5 By /s/ Hang D. Le  
6 Dale K. Galipo  
7 Stewart Katz  
Hang D. Le  
8 Attorneys for Plaintiffs  
VERONICA MCLEOD, AMADO HERNANDEZ, and  
YSIDRA REGALDO

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